THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :8351 of 2007

DATED:20-04-2007

BETWEEN:

Mirza Gaffar.

..... PETITIONER

AND

The Agent to Government/
District Collector,
Khammam & 2 others.

.....RESPONDENTS

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ORDER:

Heard learned counsel appearing for the petitioner as well as the learned Government Pleader for Social Welfare appearing for the respondents.

2. Petitioner seeks a writ of mandamus declaring the inaction of the 1st respondent in not passing appropriate orders either on the stay petition or on the appeal filed by the petitioner on 09-03-2007 against the order of eviction, dated 19-02-2007, passed by the 2nd respondent vide LTR
Case No.12/07/YLD, as illegal, arbitrary, and consequently direct the 1st respondent to dispose of the stay petition or appeal itself within a reasonable time and in the meanwhile direct the respondents not to dispossess the petitioner from the land admeasuring Ac.2.03 gts in Sy.No.131/1/17 situated at Raghaboinagudem village, Yellandu mandal, Khammam District.

3. It is stated that the petitioner is the pattadar of an extent of Ac.2.03 gts of land in Sy.No.131/1/17 situated at Raghaboinagudem village, Yellandu mandal, Khammam District. It is further stated that on a report submitted by the Mandal Revenue Officer, Yellandu, the 2nd respondent-Agency Divisional Officer, Kothagudem has initiated *suo moto* proceedings under LTR Case No.12/07/YLD on the ground that the petitioner has leased out his

lands in favour of one Rudra Seethamma and based on the admission of the petitioner himself that he has leased out his lands on lease basis in favour of the said Seethamma for the last seven years eviction orders have been passed on 19-02-2007. Aggrieved by the same petitioner filed an appeal before the 1st respondent-Agent to the Government/District Collector, Khammam on 09-03-2007 along with application to grant stay. As there is right of appeal and the said appeal is pending before the 1st respondent I am of the opinion that it is just and proper to protect the possession of the said land.

4. Having regard to the facts and circumstances of the case, the Writ Petition is disposed of directing the respondents to maintain *status quo* with regard to the possession of the said land pending disposal of the appeal before the 2nd respondent, and the 2nd respondent may consider and dispose of the said appeal in accordance with law after giving reasonable opportunity to the petitioner. No order as to costs.

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V.ESWARAIAH, J

20th April, 2007

Note:

Furnish C.C. of the order
within two days.

B/o

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